

Information Sheet

Swimming Pools

Chapter 4, Article II, Division I

Contained herein are the Zoning restrictions and permit application procedures for swimming pools installed in the City of Germantown.

Swimming Pools:

1. Swimming Pools shall be located behind the front line of the building, a minimum of five feet (5') from all property lines and recorded easements. The distance is measured from the water line of the pool.
2. Swimming pool accessory items such as, but not limited to circulating pumps, water filters, water heaters, chlorinating systems, shall be located a minimum of ten feet (10') from the rear and side property lines, and no closer than five feet (5') from any recorded easement on the premise, (Ord. No. 1998-17, 11-9-98), shall not be installed in the required side yard. The required side yard dimensions are as follows:

Residential Districts Zoned R, R-1, R-2, R-3 = ten feet (10').

Residential Districts Zoned RE, RE-1 = twenty-five feet (25').

3. Special requirements for properties located in the flood fringe and floodway areas are contained herein.
4. On corner lots, the yards adjacent to both streets are front yards and both sides of the house that face the streets are classified as the front line of the building.
5. Double frontage lots are lots with frontage on two (2) non-intersecting streets. There is a required front yard adjacent to both street fronts. In-ground swimming pools may encroach twenty feet (20') into the required front yard that is located on the rear side of the principal building (house). The encroachment is allowed into the front yard starting at the front yard line nearest to the rear of the house (see attached diagrams). The required front yard dimensions adjacent to the streets are as follows:
 - a. Zones R, R-1, R-2, R-3 = forty feet (40') from the property line, fifty feet (50') from the curb or edge of pavement.
 - b. Zones RE, RE-1 = sixty feet (60') from the property line, seventy feet (70') from the curb or edge of pavement.

No pool or other structures, except as noted in Paragraph 5 above, can be located within the required front yard on the rear side of the house until approval is granted by the City's Board of Zoning Appeals.

6. Above ground swimming pools that can contain eighteen inches (18") of water must meet all of the above requirements.

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Application Process for Swimming Pools:

Permit applications are processed through the City of Germantown's Director of Development to determine compliance with the Zoning Ordinance prior to obtaining the permit from the Memphis/Shelby County Office of Construction Code Enforcement, 6465 Mullins Station, Memphis, Tennessee 38134. The following documents and information are required:

1. Survey plat showing the location of the pool on the lot and indicated thereon the distance in feet the water line of the pool is located from the rear and nearest side property lines and the house. (Example attached). Also, all other detached structures on the lot, such as but not limited to gazebos, storage buildings, play forts, pool houses, etc. Four (4) copies required of survey.
2. Completed Memphis/Shelby County Permit Application Form. (Forms obtained from that office).
3. Copy of electrical permit or electrical permit application.
4. Copy of plumbing permit or plumbing permit application.
5. Verification of gas or electric heater.
6. If the request is in compliance with all Zoning Ordinance requirements, a letter indicating same will be provided to the applicant.
7. The City will mail the application to the Office of Construction Code Enforcement if the applicant desires, and all the above requirements are fulfilled.

Fence Requirements for Swimming Pools:

A fence of not less than four feet (4'), nor higher than six feet (6'), must surround the property or the pool area. Spacing between vertical members shall not exceed four inches (4") in width.

Horizontal members must be spaced far enough apart so that small children cannot use them for a ladder to climb over the fence. Self-latching latches on gates must be forty-eight inches (48") above the ground. An illustration of peculiar designed fences will be required. Special provision for fences on double frontage lots is required by the Fence Ordinance.

Drainage of Water:

- a. The water in swimming pools, hot tubs and spas is presumed to be treated with chemicals and when it is necessary to be drained, shall be drained into the sanitary sewer system. It shall not be drained into the street storm drains, nor drained on the ground surface in a manner that will create a nuisance to adjoining properties.
- b. Water accumulating on the top of covers is classified as rainwater. Rain water may be drained into the sanitary sewer system or the street storm drains. It may be drained into the ground surface provided that it does not cause a nuisance to adjacent property owners. The drainage of rainwater onto the ground surface that causes a nuisance to adjacent property owners is a civil matter to be resolved between the property owners.

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Maintenance:

It shall be the responsibility of the owner and/or the occupant of the premise to maintain a swimming pool, hot tub, and/or spa in safe, sanitary, and working condition at all times. Water contained in a swimming pool, hot tub or spa shall be maintained to a level of clarity that allows for the unaided visual inspection of the lowest point of the pool, hot tub or spa. Water not meeting this clarity definition shall be deemed a potential health and safety hazard and a public nuisance.

Accessory structures such as sliding boards, bath houses, wooded decks, gazebos, towers, storage sheds, etc., require separate permits.

Flood Fringe (FF) and Floodway (FW) Areas:

The installation of swimming pools on properties located in flood fringe or floodway areas require additional documentation. Approval of a pool in these areas will not be granted until the following documentation is provided to the City of Germantown Engineering Department:

1. A plan drawn to scale showing the location, dimensions, existing and proposed elevations and grading of the area where the swimming pool is to be installed.
2. The elevation in relation to mean sea level of the swimming pool deck.
3. The elevation of the 100-year base flood as determined from the most recent printing of the FIRM (Flood Insurance Rate Map) for the area as published by the Federal Emergency Management Agency.
4. Certificate by a Registered Professional Engineer that the swimming pool deck will be one and one-half feet (1.5') or more above the base flood elevation, if the proposed plan is implemented.
5. A description of a known benchmark, or temporary benchmark, including location and elevation used in determining the elevation at the site.

The above procedures apply only to Flood Fringe Districts. The Department of Development does not recommend pool construction with the Floodway District; however, if the applicant wishes to pursue locating the proposed pool within the Floodway District, the application must be reviewed and approved by the Planning Commission. The application must show that the pool construction will not cause an increase in flood heights.

Any conflict between information contained in this Information Sheet and the Zoning Ordinance will be resolved in favor of the Zoning Ordinance.